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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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12 **RAYMOND THOMAS GARCIA, JR.,**
13 Petitioner,

14 **v.**

15
16 **SUPERIOR COURT, et al.,**
17 Respondents.
18

1:15-cv-01685 MJS HC

**ORDER TRANSFERRING CASE TO THE
SOUTHERN DISTRICT OF CALIFORNIA**

19 Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas
20 corpus pursuant to 28 U.S.C. § 2254.

21 The federal venue statute requires that a civil action, other than one based on
22 diversity jurisdiction, be brought only in “(1) a judicial district where any defendant
23 resides, if all defendants reside in the same state, (2) a judicial district in which a
24 substantial part of the events or omissions giving rise to the claim occurred, or a
25 substantial part of the property that is the subject of the action is situated, or (3) a
26 judicial district in which any defendant may be found, if there is no district in which the
27 action may otherwise be brought.” 28 U.S.C. § 1391(b).
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1 Venue for a habeas action is proper in either the district of confinement or the
2 district of conviction. 28 U.S.C. § 2241(d). The district court for the district wherein such
3 an application is filed in the exercise of its discretion and in furtherance of justice may
4 transfer the application to the other district court for hearing and determination. Id.

5 It is preferable for petitions challenging a conviction or sentence to be heard in the
6 district of conviction while petitions challenging the manner in which the sentence is
7 being executed be heard in the district of confinement. Dunne v. Henman, 875 F.2d 244,
8 249 (9th Cir. 1989). In this case, it appears that Petitioner is challenging a conviction
9 from Imperial County, which is in the Southern District of California. See 28 U.S.C. § 84.
10 Therefore, the petition should have been filed in the United States District Court for the
11 Southern District of California. In the interest of justice, the petition will be transferred to
12 the United States District Court for the Southern District of California. 28 U.S.C. §§
13 1404(a) and 2241(d).

14 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the
15 United States District Court for the Southern District of California.

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17 IT IS SO ORDERED.

18 Dated: August 19, 2016

19 /s/ Michael J. Seng
20 UNITED STATES MAGISTRATE JUDGE
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